

Criminal Misc. No. M- 25120 of 2017 (O&M)

Date of decision : September 22, 2017

Aslam

.....Petitioner

Versus

State of Haryana

....Respondent

CORAM:- HON'BLE MRS. JUSTICE LISA GILLPresent: Mr. Mazlish Khan, Advocate
for the petitioner.

Mr. Sanjay K. Saini, AAG, Haryana.

LISA GILL, J.

The petitioner prays for bail pending trial in FIR No. 319 dated 14.09.2016 under Sections 148, 149, 302, 323, 354A, 379B, 120B IPC registered at Police Station Hathin, District Palwal.

It is submitted that the petitioner has not been named in the FIR. The complainant, who is the brother of the deceased, did not name the petitioner at the outset. Petitioner's name in fact surfaced in a statement of Lukman, also a brother of the deceased. Even in the statement of Lukman, the petitioner has been attributed extortion (lalkara). No overt act has been attributed to the petitioner, who has been in custody since 17.10.2016. It is, thus, prayed that this petition be allowed.

I have heard learned counsel for the parties.

Learned counsel for the State, on instructions, from SI Des Raj, verifies the above said factual position. No overt act has been attributed to the petitioner. It is verified that the complainant as well as the other material witnesses have testified before the learned trial Court. The petitioner is not reported to be involved in any other criminal case.

There are no allegations on behalf of the State that petitioner is likely to abscond or that he is likely to dissuade the witnesses from deposing true facts in the Court, if released on bail.

No useful purpose shall be served by keeping the petitioner incarcerated any longer. Keeping in view the facts and circumstances noted above but without expressing any opinion on the merits of case, it is considered just and expedient to allow this petition.

Consequently, the petitioner be released on bail pending trial subject to his furnishing requisite bail bonds and surety to the satisfaction of the learned trial Court.

It is reiterated that none of the observations made herein above are a reflection on the merits of the case and shall have no bearing on the trial.

September 22, 2017
rts

(Lisa Gill)
Judge

Whether speaking/reasoned :	Yes/No
Whether reportable :	Yes/No